

1  
2  
3  
4  
5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF WASHINGTON**

7 DAVID N. YBARRA,

8 Plaintiff,

9 vs.

10 NANCY A. BERRYHILL,

11 Acting Commissioner of Social Security,

12 Defendant.

No. 4:16-CV-05012-FVS

ORDER ADOPTING REPORT AND  
RECOMMENDATION TO DENY  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT AND  
GRANT DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT

13 **BEFORE THE COURT** is the Report and Recommendation issued by  
14 Magistrate Judge Mary K. Dimke on June 7, 2017, ECF No. 19, recommending  
15 Plaintiff's Motion for Summary Judgment, ECF No. 13, be denied and Defendant's  
16 Motion for Summary Judgment, ECF No. 25, be granted. No objection was filed.  
17 After review, the Court hereby adopts the Report and Recommendation in its  
18 entirety. Accordingly, **IT IS ORDERED:**

19 1. The Report and Recommendation, **ECF No. 19**, is **ADOPTED** in its  
20 entirety.

1           2.     Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is **DENIED**.

2           3.     Defendant's Motion for Summary Judgment, **ECF No. 15**, is  
3 **GRANTED**.

4           The District Court Executive is directed to file this Order and forward copies  
5 to counsel. Judgment shall be entered for Defendant and the file shall be  
6 **CLOSED**.

7           DATED July 10, 2017.

8                                 s/Fred Van Sickle  
9                                 Fred Van Sickle  
                               Senior United States District Judge